

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Roger Prokosh Confirmation No.: 8618  
 Serial No.: 10/087,196 Art Unit: 2856  
 Filed: Feb. 28, 2002 Examiner: Thomas Noland  
 For: Nonconnect Sensitivity and Compliance Calibration Method  
 for Cantilever-Based Instruments Attorney Docket No: 60866-5001

## FEE TRANSMITTAL SHEET

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$0.00.

The claim amendment fee has been estimated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	<input type="checkbox"/> SMALL ENTITY		<input checked="" type="checkbox"/> OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID	PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL 16 MINUS 20	0	x 9	\$			x 18	\$ 0.00
INDEP. 2 MINUS 3	0	x 43	\$			x 86	\$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			\$			\$	0.00
TOTAL			\$		OR	TOTAL	\$ 0.00

Please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. ). A copy of this sheet is enclosed.

Date: July 21, 2004

Respectfully submitted,

Gary S. Williams

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31,066

(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Roger Prokosh	Confirmation No.:	8618
Serial No.:	10/087,196	Art Unit:	2856
Filed:	Feb. 28, 2002	Examiner:	Thomas Noland
For:	Noncontact Sensitivity and Compliance Calibration Method for Cantilever-Based Instruments	Attorney Docket No.:	060866-5001
		Date:	July 21, 2004

RESTRICTION ELECTION WITH TRAVERSE, AND AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The enclosed Amendment is in response to the Office Action dated \* for the above identified patent application.

The Commissioner is hereby authorized to charge any required fee(s) to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 60866-5001). A copy of this sheet is enclosed for such purpose.

### RESTRICTION ELECTION WITH TRAVERSE:

Application elects to prosecute the Group 3 claims (8-14 plus new claim 23), with traverse. For the reasons stated below, applicant requests that the Group 4 claims (formerly claims 15-19, now claims 15-16 and 18-22) be included in Group 3 as elected claims.

It is noted for the record that the Group 3 claims are method claims, while the Group 4 claims are apparatus claims. It is also noted that the Group 4 claims are “means plus function claims” that track, virtually word for word, the limitations of the method claims in Group 3.

Because the apparatus claims of Group 4 are “means plus function claims,” and the Examiner is required to construe each claim element as having the broadest reasonable scope possible, prosecution of the Group 4 claims will place no additional burden on the Examiner. MPEP 803.01 states: “If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”

The Group 3 claims may be broader in scope than the Group 4 claims, in that they do not have any apparatus limitations. But since the examiner must construe means plus function claims in the same manner as method claims, the scope of the Group 3 and Group 4 claims is equivalent for purposes of examination by the USPTO (even if the scope of the two groups of claims might be construed differently in a federal court of law).

For these reasons, the Examiner is respectfully requested to treat claims 8-19 (now claims 8-16 and 18-24) as being in one Group, and to accept the Applicant’s election of claims 8-16 and 18-24.